

REMARKS

The present amendment is submitted in response to the Office Action mailed October 4, 2001, which set a three-month period for response, making this amendment due by January 4, 2002.

Claims 9-18 are pending in this application.

In the Office Action, the title of the invention was objected to as non-descriptive. The abstract of the disclosure was objected to for an informality. Claims 9, 12, and 14-18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,633,912 to Tsoi. Claims 10-11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsoi in view of U.S. Patent No. 5,969,718 to Mills. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tsoi in view of U.S. Patent No. 6,046,730 to Bowen.

Looking first at the objection to the title of the invention, the Applicants have amended the title to more accurately describe the nature of the claimed invention.

The abstract has been amended to eliminate claim-type language and format and to present the abstract on a separate sheet, included with this amendment as Attachment A.

With regard to the substantive rejection of the claims, the Applicants respectfully disagree that the cited references anticipate and/or make obvious the claimed invention. Indeed, the primary reference to Tsoi, which corresponds to EP 633 684 A2, was cited in the international examination phase of the present

application, and the present invention was found to be both novel and non-obvious over this reference for the reasons stated below.

Tsoi discloses a mobile telephone in which context sensitive function labels 78 are represented on a display device 76. Each of the context sensitive labels has a corresponding soft-label key 82-02 which make up a local association between the keys and the context sensitive function labels on the display device. Through operation of the keys, the function relating to the associated context sensitive function label can be activated. Contrary to the Examiner's position, Tsoi provides no disclosure or suggestion of first and second operating modes and how these modes interact with one another, in the sense of the present invention, as recited in claim 9.

The portions of the specification referenced by the Examiner (column 6, lines 652-65 and column 7, lines 1-6) do not support that first and second modes are disclosed, in which the first operating mode is associated in the display device with at least one control element, and information in a second operating mode associated with the first operating mode is converted into a function for activating the first operating mode, which function is activateable by the control element. Thus, Tsoi cannot be seen as anticipatory of the present invention, when no provision or suggestion is made for key elements recited in the Applicants' claim 9.

Rather, the above-noted portions of the Tsoi specification only provides that while a call is being transmitted, an indication to that effect is provided in the display device, that is, a prompt appears, such as "hang up", in the event the

user wishes to cancel the call. Further options are also displayed as “soft labels” displayed on the display device if the call proceeds to a connection. The user, then, must choose and activate the soft-labeled option shown to him.

The Applicants respectfully direct the Examiner’s attention to the specification at page 6, line 28 through page 7, line 21. There, it is described that when a second call has been accepted during the original call, the second control element 12 is assigned the function of taking over the first call, which is done upon actuation of the second control element 12. In this situation, the third control element 13 has no function, and instead, is assigned the information that the second call is currently being conducted. The sixth control element 16 is assigned the function of a conference call, and so on. To avoid repetition, the Applicants refer the Examiner to this portion of the specification and to other illustrations presented in the specification (such as on page 8, lines 17-30, when the “calculator” mode is selected) for detailed explanation of the interaction between the two operating modes and the at least one control element.

Tsoi fails to show or suggest such an interaction between the operating modes and the control element.

Likewise, the combination of the Tsoi patent with the secondary references to Mills or Bowel also provide no suggestion to the practitioner of a mobile telephone with control elements in the sense of first and second operating modes, according to the claims of the present application. Thus, the practitioner could not be lead to the present invention, nor would he be motivated to combine

the cited references, since none of these references provide for the claimed interrelated first and second operating modes.

For the above reasons, the Applicants respectfully submits that the present invention, as defined in claims 9-18, is neither anticipated by nor made obvious by the cited references, whether viewed alone or in the proposed combinations. The Applicants therefore requests withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the application as herein amended.

In light of the foregoing amendments and argument in support of patentability, the Applicants respectfully submit that this application now stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Specification as Amended

On page 1, please replace the title of the invention with the following:


-- RADIO APPARATUS WITH A CONTROL ELEMENT FOR SELECTING
AND/OR ACTIVATING FUNCTIONS DISPLAYED ON A DISPLAY DEVICE --

Please replace the Abstract of the Disclosure with the amended Abstract of the Disclosure attached on a separate sheet as Attachment A to this amendment.

Claims as Amended

9. A radio apparatus embodied in a radio telephone, comprising a display device; at least one control element for selecting and/or activating functions of the radio apparatus which are displayed on said display device; said at least one control element being disposed neighboring said display device so that a local association exists between said at least one control element and displaying of functions of the radio apparatus on said display device; means for providing at least one first operating mode in which information about said first operating mode is associated in said display device with said at least one control element, and information in a second operating mode associated with said first operating mode is converted into a function for activating said first operating mode, which function is activateable by said at least one control element.

Respectfully submitted,


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Amend as follows:

IN THE SPECIFICATION:

On page 1, please replace the title of the invention with the following:

-- RADIO APPARATUS WITH A CONTROL ELEMENT FOR SELECTING
AND/OR ACTIVATING FUNCTIONS DISPLAYED ON A DISPLAY DEVICE --

Please replace the Abstract of the Disclosure with the Abstract of the
Disclosure attached on a separate sheet as Attachment A to this amendment.

IN THE CLAIMS:

9. (Amended) A radio apparatus embodied in a radio telephone, comprising a display device; at least one control element for selecting and/or activating functions of the radio apparatus which are displayed on said display device; said at least one control element being disposed neighboring said display device so that a local association exists between said at least one control element and displaying of functions of the radio apparatus on said display device; means for providing at least one first operating mode in which information about said first operating mode is associated in said display device with [at] said at least one control element, and information in a second operating mode associated with said first operating mode is converted into a function for

activating said first [activating] operating mode, which function is activateable by said at least one control element.